

PTO/SB/64 (10-01)

Approved for use through 10/31/2002 OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)
08-892808usFirst named inventor **SMITH, Jeffrey Allen**Application No. **09/262.056**Art Unit: **8809**Filed: **March 4, 1999**Examiner: **CHANTE E. HARRISON****FAX RECEIVED**Title: **METHOD AND SYSTEM FOR TRANSMITTING TEXTURE INFORMATION THROUGH COMMUNICATIONS NETWORKS****FEB 28 2003**Attention Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231**PETITIONS OFFICE**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27

Other than small entity - fee \$ 1,300.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Response to Office Action _____ (identify type of reply):
- has been filed previously on _____
- is enclosed herewith.
- B. The issue fee of \$ _____
- has been paid previously on _____
- is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 10 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 28, 2003

Date

Signature

Telephone

Number: (619) 783-8827

Dallas F. Smith

Typed or printed name

Suite 2600, 160 Elgin Street

Address

Ottawa, ON K1P 1C3Enclosures. Fee Payment

- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

February 28, 2003

Date

Signature

Dallas F. Smith, Reg. No. 34,074

Type or printed name of person signing certificate

Additional Sheets Containing Statements Establishing Unintentional Delay:

1. Jan. 29, 2002 received email from Jeff Smith CTO Metamail, Inc. concerning office action forwarded to him;
2. Feb. 11, 2002 received some initial comments from Jeff Smith re office action;
3. Mar. 27, 2002 Jeff Smith wrote that he would get back to me with regard to this matter when he was back in the office;
4. Apr. 23, 2002 Jeff Smith wrote that he was unable to provide instructions;
5. Apr. 23, 2002 I wrote to Jeff Smith advising of costs for responding under two and three month extensions;
6. Aug. 21, 2002 Received Notice of Abandonment; FAX RECEIVED
7. Aug. 22, 2002 Forwarded Notice of abandonment to client; FEB 28 2003
8. Feb. 14, 2003 We attempted to contact client but their telephone and facsimile numbers had been disconnected. PETITIONS OFFICE
9. Feb. 14, 2003 We conducted a directory search and found no entries for the client company. However an online search found a website.
10. Feb. 14, 2003 Sent Email to Jeff Smith, who was no longer affiliated with client as to knowledge of whereabouts/status of company
11. Feb. 17, 2003 I received a phone call saying that the facsimile was received, but the number did not belong to the company name we had used, and the addressee was unknown. After further discussion we determined another individual whose name was known to us was at that location. We asked that the urgent reminder be given to them.
12. Feb. 25, 2003 We received a phone call from Scott Rankine who expressed grave concern over the abandonment and claimed never to have been informed of the situation by former partner, Jeff Smith.

Respectfully submitted,



Dallas F. Smith, Reg. No. 34,074
Agents for Applicant
DFS:jq